

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

229th District of JIM HOGG COUNTY

Division

TOMILEE RAMIREZ

) Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

) Jury Trial:

(check one) Yes ☐ No ☒

MARISSA GARZA

Defendant(s) DESTINY A. GONZALEZ

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.



Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I The Parties to This

Complaint A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	TOMILEE RAMIREZ		
Address	605 N RIGMA AVE		
	HEBBRONVILLE	TX	78361
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
JIM HOGG	210-895-2238	TOMILEE535@GMAIL.COM	
County	Telephone	E-Mail Address	

B. The

Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

MARISSA GARZA

Job or Title (if known)

JIM HOGG JP PCT3

Address

201 N OAK ST #1 HEBBRONVILLE TX 78361

City State Zip Code

County: JIM HOGG Telephone: 361-527-5830 E-Mail: marissa.m.garza@co.jim-hogg.tx.us

'Individual capacity

Official capacity

Defendant No. 2

Name

DESTINY A. GONZALEZ

Job or Title (if known)

UNKNOWN

Address

702 E SANTA CLARA HEBBRONVILLE TX 78361

City State Zip Code

JIM HOGG 361-231-5329

County Telephone

Individual capacity

Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

Individual capacity

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

Individual capacity

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

'Federal officials (a *Bivens* claim)

'State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 5.1 and shall be administered humanely and with respect for the inherent dignity of human beings, BAIL DECISION. (a) Without unnecessary delay, a magistrate shall order, after individualized consideration of all circumstances and of the factors required by Article 17.15(a), Breach of contract by the JP assigned for magistration by breaking the oath of office given when sworn into office by not upholding the constitution. I would like to state very clearly The fourth federal law, 18 U.S.C. 1918 provides penalties for violation of oath office described in 5 U.S.C. 7311 which include: (1) removal from office and; (2) confinement or a fine.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I believe JP Marissa Garaza acted in her official capacity to purposfully, willfully, and knowingly MISUSED HER AUTHORITY, INFRINGED ON MY CONSTITUTIONAL RIGHTS, COMMITTED FEDERAL PERJURYBY VIOLATING OF OATH OF OFFICE.. CONTINUED ON PAGE

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

JIM HOGG COUNTY SHERIFF OFFICE

B. What date and approximate time did the events giving rise to your claim(s) occur?

MAY 5, 2023 -MAY 6, 2023

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I assert that the following rights and violations have occurred:

****1. Violation of the Right to a Fair Trial (6th Amendment)****

Jim Hogg County officials failed to provide me with a fair trial as required by the 6th Amendment, including the right to be heard by a competent, independent, and impartial tribunal, the right to a public hearing, the right to be heard within a reasonable time, the right to counsel, and the right to interpretation. When a false 911 call was made by Destiny Gonzalez claiming her and her family were fearful for their life because of a status i put (evidence attached to last page) when 1. I was not even in the same town I was in San Antonio TX, 2. My post had nothing threatening just stating my opinion of a situation i am going through personally

FOR THE RECORD: MY POST WAS NOT HATE SPEECH NOR DO I CONSIDER IT THAT AS SAID IT WAS MY FACTUAL OPINION ON A LIFE SITUATION I WAS GOING THROUGH. Hate speech and factual life opinions posted on Facebook or any other social media platform generally do not fall under the category of unconstitutional speech in the United States. The First Amendment of the U.S. Constitution protects the freedom of speech, which includes a wide range of expression, even if it's offensive or unpopular.

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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Failure to Provide Immediate Medical Attention Article 6 of the Universal Declaration of Human Rights obligates law enforcement officials to secure immediate medical attention when required. Despite my requests for medical assistance due to a serious health issue, no action was taken, and I was not provided the necessary medical attention. in stead they called marissa garza to see if she was ready to magistrate me.**

- 1. Article 6 Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.**
- 2. Deprivation of Water Suitable for Consumption****

Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas clearly state that every person deprived of liberty should have access to sufficient drinking water suitable for consumption. Jim Hogg County Jail failed to provide access to clean and safe drinking water. (Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas 162 Principle XI Food and drinking water-2. Drinking water Every person deprived of liberty shall have access at all times to sufficient drinking water suitable for consumption. Its suspension or restriction as a disciplinary measure shall be prohibited by law.) CONTINUED

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I, Tomilee Ramirez, do believe my human, civil, and constitutional rights were violated on the day of May 5 2023 - May 6 2023 by a multitude of Jim Hogg county officials and I have exhausted all means to have this settled out of court. I am suing for damages in the amount of \$475,000.00.

Damages Tomilee Ramirez is suing for are the following:

Unlawful Imprisonment: \$25,000.00

Violation of freedom of speech: \$75,000.00

Loss of liberty: \$75,000.00

Failure to provide fair due process: \$50,000.00

Infringement of human, constitutional, and civil rights: \$100,000.000

Children's pain, suffering, and emotional damage: \$50,000.00 (each child)

Tomilee Ramirez has 3 children.

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VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: October 26, 2023

Signature of Plaintiff

Tomilee Ramirez

Printed Name of Plaintiff

TOMILEE RAMIREZ

Address:

HEBBRONVILLE

TX

78361

City

State

Zip Code

210-895-2238 TOMILEE535@GMAIL.COM 605 N RIGMA HEBBRONVILE TX 78361

Telephone

E-mail

Address